

RESPONSE UNDER 37 CFR 1.116  
EXAMINING GROUP 2697  
PATENT APPLICATION  
Do. No. 2705 39

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: R. Ashby Armistead

Serial No. 09/186,977

Examiner: Edith M. Chang

JUL 16 2004

Confirm. No.: 2499

Filed: November 5, 1998

Group Art Unit: 2634

For: MODEM FAILOVER WITHOUT CALL LOSS

Date: July 16, 2004

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Responsive to the Final Office Action dated March 18, 2004, enclosed is an amendment in the above-identified application.

The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For:	Number After Amendment	Previous Number	Extra	Rate	Additional Fee
Total Claims	35	35*	0	x \$18 =	\$0
Independent Claims	7	7**	0	x \$86 =	\$0
Extension of Time - 1 <sup>st</sup>				\$110	\$110.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$110.00

\*greater of twenty (20) or number for which fee has been paid

\*\*greater of three (3) or number for which fee has been paid

- ☒ Applicant petitions the Commissioner to extend the time for response. The extension fee is included and a duplicate copy of this form is enclosed.
- ☒ PTO Form 2038 authorizing credit card payment for the above-listed fees is enclosed.
- ☒ Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

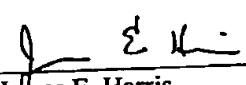
Customer No. 20575

Respectfully submitted,  
MARGER JOHNSON & McCOLLOM, P.C.

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James E. Harris  
Reg. No. 40,013

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number 1-703-872-9306, on July 16, 2004.

Signature

  
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**TO:** Edith Chang  
Group Art Unit 2634  
US Patent & Trademark Office**FAX:** (703) 872-9306**FROM:** James E. Harris, Reg. No. 40,013**Date:** July 16, 2004**Re:** Attorney Do. No. 2705-39 – **RESPONSE TO FINAL OFFICE ACTION**Number of pages (Including this one): 16

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**REMARKS:**

In re application of: R. Ashby Armistead

Serial No. 09/186,977 Examiner: Edith Chang

Filed: 11/05/1998 Group Art Unit: 2634

For: MODEM FAILOVER WITHOUT CALL LOSS

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